

OCT 25 1989

Docket Nos. 40-8035  
40-8801

Cotter Corporation  
ATTN: Mr. George Rifakes  
President  
P.O. Box 767  
Chicago, Illinois 60690

Gentlemen:

I am writing this letter to follow through on our discussion of September 13, 1989, and your discussion with Mr. Rouse on October 16, concerning the radioactive material in the West Lake Landfill. In view of the record, I have concluded that the Cotter Corporation is responsible for the presence of this material in the landfill, and the consequent environmental and radiation health problems that may result from the radioactive material.

The situation of this radioactivity is summarized in the Nuclear Regulatory Commission's report titled "Radioactive Material in the West Lake Landfill, Summary Report," NUREG-1308, Revision 1, June 1988. This radioactive material, if neglected, has the potential of becoming a threat to the public health and safety because its concentrations of radium-226 and other radioactive decay products will be continually increased by the radioactive decay of the thorium-230 present. The increasing concentrations will mean proportionally increasing gamma radiation emissions, radon-222 generation, and potential for leaching into the groundwater.

The record shows that Cotter Corporation purchased the radioactive material and used it under an Atomic Energy Commission license at its processing site on Latty Avenue in Hazelwood, Missouri, and that later, in the process of decontaminating the site prior to termination of the license, the contractor for Cotter Corporation had the material trucked to the West Lake Landfill in Bridgeton, Missouri. Incorrect information was reported to the Commission with regard to which landfill the material was trucked to and with regard to how deeply it was buried. The dilution of the material with soil prior to transport to the landfill was noted as a violation of regulations. The record establishes the traceability of the material to Cotter Corporation activities under license.

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We have concluded that remediation is called for, and we see nothing in the circumstances of the radioactive material in the West Lake Landfill which argues for delay in this matter. Please advise us within 30 days of the date of this letter what your plans are for further site characterization and evaluation of what remediation is appropriate.

Sincerely,

(Signed) Robert M. Bernero

Robert M. Bernero, Director  
Office of Nuclear Material Safety  
and Safeguards

cc: Edward J. McGrath, Esq.  
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